

MAINE STATE LEGISLATURE

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L.D. 1329

(Filing No. S-354)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 491, L.D. 1329, Bill, "An Act Concerning Salary Provisions for Automotive Industry Personnel"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 26 MRSA §663, sub-§13 is enacted to read:

13. Automobile parts clerk. "Automobile parts clerk" means a person employed for the purpose of and primarily engaged in requisitioning, stocking and dispensing automobile parts as an employee of an establishment primarily engaged in the business of selling automobiles or trucks to the ultimate purchaser, except when the employee is paid by the employer on an hourly basis.

Sec. 2. 26 MRSA §664, first ¶, as amended by PL 1987, c. 738, §1, is further amended to read:

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee, except as otherwise provided in this subchapter, at the rate of less than \$3.65 per hour in 1987 and \$3.75 per hour starting January 1, 1989 and \$3.85 per hour starting January 1, 1990, but in no case may the minimum hourly wage exceed the average minimum hourly wage of the 5 other New England states; or to require any employee to work more than 40 hours in one week, unless 1 1/2 times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of the minimum wage established under this section, the minimum wage shall must be increased to the same amount, effective on the same date as the increase in the

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2 highest federal minimum wage, but in no case shall may the
 4 minimum wage exceed \$5 per hour. The overtime provision of this
 6 section shall does not apply to seamen, mariners; the canning,
 8 processing, preserving, freezing, drying, marketing, storing,
 10 packing for shipment or distribution of herring as sardines, of
 perishable foods, of agricultural produce and meat and fish
 products, nor to the canning of perishable goods,; nor to hotels,
 motels, restaurants and other eating establishments,; public
 employees,; nor to automobile mechanics, automobile parts clerks
 or automobile salesmen sales representatives.'

12
14 **STATEMENT OF FACT**

16 This amendment clarifies the language of the original bill
 18 to add automobile parts clerks who are employed by businesses
 20 selling automobiles and trucks to the ultimate purchaser and who
 are not paid on an hourly basis to the overtime provision of the
 state minimum wage law.

Reported by Senator Esty for the Committee on Labor.
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 (6/11/91) (Filing No. S-354)